

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LARRY GAPEN,

Petitioner,

: Case No. 3:08-cv-280

- VS -

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

Respondent.

:

---

**ORDER REGARDING MOTION FOR EVIDENTIARY HEARING**

---

In light of the Notice from Respondent that he declines to conduct the additional discovery authorized by the Court (Doc. No. 146), Petitioner's motion for an evidentiary hearing is due to be filed not later than July 26, 2012.

June 27, 2012.

*s/ Michael R. Merz*  
United States Magistrate Judge